THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.6893 OF 2003

DT: 22-12-2005

Between:

Divipalem Toddy Tappers Cooperative Society,

Divipalem, Gudur Mandal,

Nellore District rep. by its President

K.Srinivasulu.

.... Petitioner

A n d

1. The State of Andhra Pradesh,

Excise Department Rep. by its Secretary,

Secretariat Hyderabad and 3 others.

.... Respondents

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.6893 OF 2003

ORDER:

The petitioner, a Toddy Tappers' Cooperative Society, Divipalem, has questioned the impugned notice dated
22-02-2003 issued in RC.No.1080/01/A3 of the second respondent.

The petitioner's society was granted a licence for sale of toddy within the limits of

Divipalem revenue village. The petitioner submitted an application for renewal of the licence for the excise block year 2002-2007, showing the boundaries for the proposed location of the shop as follows:

East - Gudur-Madras line

West – Vacant land of Pula Balaramaiah and

Veternity Hospital of Koduru Sundara

Rami Reddy.

South – Vacant land of village

North – Road and Railway cabin

The second respondent, by the impugned notice dated 22-03-2003, rejected the application of the petitioner on the ground that the boundaries mentioned in the renewal application fall within the limits of Gudur Municipality.

It is the case of the petitioner that the said premises fall within the area of jurisdiction of petitioner's society in Divipalem Gram Panchayath and rejection of its application for renewal of licence is illegal and arbitrary.

In the counter-affidavit filed on behalf of the respondents, it is stated that the area of operation of the petitioner's society is confined to Divipalem Gram Panchayath only. The area of location of the petitioner's shop and the boundaries shown in the application for renewal falls under Gudur Municipality. It is stated that the petitioner, by showing wrong boundaries, wants to shift its toddy shop within the limits of Gudur Municipality. A reference is also made to that effect by the Commissioner, Gudur Municipality certifying that the boundaries mentioned by the petitioner fall within the limits of Gudur Municipality.

Admittedly, the petitioner is a licence holder only for Divipalem Gram Panchayath. It can establish the shop as per the licence conditions within the area of operation only. As the petitioner is a licence holder for Divipalem Gram Panchayat only and by showing the premises, which falls within the area of Gudur Municipality, it cannot seek renewal of licence. Having regard to the pattern of licence fee, which differs from Gram Panchayaths to Municipalities, the petitioner has to locate the shop within the area of Gram Panchayath, Divipalem, for which licence was granted to it. In that view of the matter, I do not see any illegality in the impugned notice dated 22-03-

2003, rejecting the application of the petitioner for renewal on the ground mentioned in the impugned notice.

The writ petition is devoid of merits and the same is accordingly dismissed. There shall be no order as to costs.

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22-12-2005.

Lrkm.